UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,083	10/29/2003	Geoffrey Parker Brown	1003-001US02	5938

28863 7590 04/18/2006		EXAMINER	
SHUMAKER & SIEFFERT, P. A.		KARKHANIS, AASHISH	
8425 SEASONS PARKWAY			
SUITE 105		ART UNIT	PAPER NUMBER
ST. PAUL, MN 55125		3714	

DATE MAILED: 04/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/696,083	BROWN, GEOFFREY PARKER
	Examiner	Art Unit	
	Aashish Karkhanis	3714	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>29 October 2003</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

       1. ☐ Certified copies of the priority documents have been received.

       2. ☐ Certified copies of the priority documents have been received in Application No. _____.

       3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *2/20/04*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1.   Claims 1 – 9, 11 – 13 and 15 – 20 are rejected under 35 U.S.C. 102(b) as being

anticipated by Best (U.S. Patent 5,358,259).

Regarding Claims 1, 3, 11 and 13, Best discloses a method for modeling a two-

way conversation between a computer-based character and a user (col. 3, lins. 15 - 21)

including storing situation data in a database (col. 1, lins. 24 – 27) that defines a set of

situation tags and associated situation text where the situation tags represent situations

that describe contexts in which the user interacts with the character (col. 1, lins. 55 – 65;

where a branching story line followed by a player provides structure and direction for a

player's in-game interactions), storing character data that defines a set of character tags

and associated character text where the character tags define a set of computer-based

characters (col. 2, lins. 28 – 40), storing a behavior pattern that defines a conversation

between the user and the character where the behavior pattern is represented as a set

of linked frames that specify respective text-based dialogue between the character and

the user (col. 4, lins. 10 – 15; where different behaviors, characters, and other aspects

of the scene are changed and selected from a database of information, which can be

treated as frames defining a number of different situations), wherein the text-based

dialogue includes embedded media tags selected from the situation tags and the

character tags (col. 3, lins. 62 – 66; where dialogue audio are media tags embedded

into scenes), text-based dialogue to present to the user from the character and

response dialogue from the user to the character (col. 5, lins. 1 – 34; where a number of

methods are available to display audio and text based conversation data in a game

environment), a computer coupled to the database, and a software engine executing on

the computer (col. 2, lin. 28; where a video game or a computer game inherently

contains a software engine for game execution) modeling a two-way conversation

between the user and the character within the online environment by merging the text-

based dialogue specified by the frames with the situation text and the character text in

accordance with the media tags defined within the frames (fig. 8; where all tags are

combined depending on a situation context to create a scene and further create a

branching story line for a player).

Regarding Claims 2, 12 and 15, Best discloses a method for modeling a two-way

conversation between a computer-based character and a user including storing the

behavior pattern as one of a set of behavior patterns (col. 4, lins. 10 – 25; where a

number of behavior patterns are actions available to a player in a particular situation),

wherein generating a two-way conversation includes selecting one of the situations, one

of the characters and one of the behavior patterns (col. 4, lins. 22 – 25), and modeling

the two-way conversation by merging the text-based dialogue specified by the frames of

the selected behavior pattern with the situation text of the selected situation and the

character text of the selected character (fig. 8; where all tags are combined depending

on a situation context to create a scene and further create a branching story line for a player).

Regarding Claim 4 – 6 and 16 – 19, Best discloses a method for modeling a two-way conversation including selecting a current one of the frames of the behavior pattern presenting the text-based dialogue from the character to the user, presenting the response dialogue from a plurality of the frames to the user for selection as a plurality of choices, receiving a selection from the user in response to the response dialogue from the plurality of the frames, and selecting a new current frame of the behavior pattern based on the selection (col. 4, lins. 1 – 34), where the frames of the behavior pattern comprises a set of fixed pointers to other frames within the behavior pattern (fig. 8, elems. 60, 61, 62, 63, 64; where behaviors are guided by branching dialogue pointers), and generating a two-way conversation including traversing the pointers of the linked frames based on the selection received from the user at each of the frames (col. 4, lins. 1 – 34).

Regarding Claims 7 and 20, Best discloses a method for modeling a two-way conversation including storing the behavior pattern as one of a set of behavior patterns defining a series of interactions during which the computer-based character interacts with the user in accordance with a consistent attitude toward the user, updating a set of relationship variables based on the selection, wherein the relationship variables represent the character's attitude toward the user by the computer-based character, and selecting a second behavior pattern for the character as a function of the updated relationship variables when the first behavior pattern has been traversed (col. 4, lins. 10

– 34; where a computer character's behavior and interaction with a player will change

once a scene has been completed and if a player returns to a completed scene).

Regarding Claim 8, Best discloses a method for modeling a two-way

conversation including storing character-specific media of the computer-based

character, and displaying character-specific media with the dialogue generated for each

frame of the modeled conversation wherein the character-specific media includes a set

of photographs associated with the computer-based character (col. 4, lins. 1 – 14;

where a character may be composed of multiple personalities, voices and faces as

determined by a game).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Best in view of James et al. (U.S. Patent 5,964,660).

Regarding Claims 10 and 14, Best discloses a method for modeling a two-way

conversation in an electronic game system, but does not disclose presenting a

conversation using a client via a computer network. However, James teaches a method

of playing a wide variety of computer games over a network (col. 1, lins. 26 – 67), which

can include presenting the modeled conversation on a client to the user via a computer

network. Because James teaches a system where many types of games may be played

over a computer network such as the Internet, it would have been obvious to one of ordinary skill at the time of the invention to have modified the single client game of Best including a two-way conversation model with the multiple client, Internet based gaming system of James for any generic game.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent 5,828,843 A: Network based client matching system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aashish Karkhanis whose telephone number is 571-272-2774. The examiner can normally be reached on 0800-1630 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Scott Jones can be reached on (571) 272-4438. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ARK

JOHN M. HOTALING. II
PRIMARY EXAMINER